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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,648	06/25/2003	Dennis Morgan	M1103.70154US00	4051
45840 7590 01/08/2009 WOLF GREENFIELD (Microsoft Corporation) C/O WOLF, GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
SAN JUAN, MARTINERIKO P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/603,648

Applicant(s)

MORGAN ET AL

Examiner

MARTIN JERIKO P. SAN JUAN

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 37 and 39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 21-33, 37 and 39 is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This is a response to a Request for Continued Examination filed on October 20, 2008.

Claims 1-33, 37, and 39 are currently pending.

Response to Arguments

1. Applicant's arguments, see Remarks and Amendments, filed October 20, 2008, with respect to the rejection(s) of claim(s) 1-33, 37, and 39 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made with regard to claims 1-20 in view of new prior art.

Allowable Subject Matter

1. Claims 21-33, 37, and 39 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5, 7-8, 10-15, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Eisenberg [US 2003/0188001 A1].

Regarding claim 1, Eisenberg teaches a computer-implemented method, comprising: receiving, by an operating system and/or an enforcement module which is associated

with or is part of the operating system [Eisenberg 4: 0066-0067], a call [Eisenberg 5: 0081] from a firewall aware application [Eisenberg 7: 0099] via a first application programming interface [Eisenberg 4: 0073, 0086 --API], the call having parameters for a connection to an endpoint that the firewall aware application desires to establish [Eisenberg 7: 0101-0102], whereby the firewall aware application explicitly communicates a request to traverse a firewall to establish the connection [Eisenberg 7: 0103], the request is being directed to a specific socket [Eisenberg 7: 0109] and includes handling requirements for data sent and/or received by the firewall aware application [Eisenberg 7: 0109]; and making, by the operating system and/or the enforcement module, a call via a second application programming interface to the firewall to establish the connection in accordance with the parameters [Eisenberg 6: 0087 --TSP layer creates and maintains a tunnel "through the firewall" via "TCP port of choice." It would have been evident for the TSP of a TP to make a call to the firewall to open the TCP port of choice.].

Regarding claim 3, Eisenberg teaches the method of claim 1, wherein the parameters comprise a known endpoint to which the application would like to be connected [Eisenberg 7: 0108].

Regarding claim 4, Eisenberg teaches the method of claim 3, wherein the parameters further comprise a request to limit the connection to a single connection [Eisenberg 7: 0109-0110 --negotiations limiting to a single TCP connection for tunneling.].

Regarding claim 5, Eisenberg teaches the method of claim 4, further comprising, after

the connection has been established, closing the connection in accordance with the request [Eisenberg 8: 0116].

Regarding claim 7, Eisenberg teaches the method of claim 1, wherein the parameters comprise limiting the connection to a subset of interfaces, local addresses, or remote addresses, or combinations thereof [Eisenberg 7: 0109].

Regarding claim 8, Eisenberg teaches the method of claim 1, wherein the parameters comprise a timeout policy for the connection [Eisenberg 8: 0116].

Regarding claim 10, Eisenberg teaches the method of claim 1, wherein the parameters comprise information about a property of a flow that requires special handling [Eisenberg 7: 0108].

Regarding claim 11, Eisenberg teaches the method of claim 10, wherein the information comprises a request for authentication or encryption [Eisenberg 7: 0108 --Connections over https comprises authentication and encryption].

Regarding claim 12, Eisenberg teaches the method of claim 1, wherein the application explicitly communicates the request to establish the connection by opening a listening socket [Eisenberg 5: 0081].

Regarding claim 13, Eisenberg teaches the method of claim 1, wherein the application explicitly communicates the request to establish the connection by connecting to a socket [Eisenberg 5: 0081 --https is over a socket layer.].

Regarding claim 14, Eisenberg teaches the method of claim 1, wherein the call to the firewall is made via a firewall application programming interface [Eisenberg 4: 0073, 0086 --API].

Regarding claim 15, Eisenberg teaches the method of claim 1, wherein the firewall is located on a computer with the application [Eisenberg Fig 2a].

Claims 18 and 19 are rejected because it is directed to the same subject matter as claim 1.

Claim 20 is rejected because it is directed to the same subject matter as claim 14.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg [US 2003/0188001 A1], and further in view of Coley [US 5826014].

Regarding claim 2, Eisenberg does not teach, at the firewall, evaluating the parameters with respect to a policy and, if the parameters meet the policy, establishing the network connection in accordance with the parameters.

Coley teaches at a firewall, evaluating connection parameters with respect to a policy and, if the parameters meet the policy [Coley 8: 1-16], establishing the network connection in accordance with the parameters [Coley 9: 1-31] [Coley 10: 35-39].

It would have been obvious to one of ordinary skilled in the art at the time of invention to modify Eisenberg by having at the firewall, an evaluation of connection parameters with respect to a policy as taught by Coley. The suggestion/motivation would have been to make valid connections by the firewall based on an established policy.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg [US 2003/0188001 A1], and further in view of Hedge [US 6925495 B2].

Regarding 6, Eisenberg does not explicitly teach wherein the parameters comprise a request for bandwidth or connection throttling for the connection.

Hedge teaches a computer-implemented method, comprising: receiving a call from an application [US 6925495 B2, Fig 5, Itm 510 – Examiner notes that an application is inherent in a requesting device], the call having parameters for a connection to an endpoint that the application desires to establish [US 6925495 B2, Fig 8], whereby the application explicitly communicates a request to establish the connection and making a call to a firewall to establish the connection in accordance with the parameters [US 6925495 B2, Col 13, Ln 22-31], wherein the parameters comprise a request for bandwidth or connection throttling for the connection [US 6925495 B2, Col 16, Ln 10-11].

It would have been obvious to one of ordinary skill in the art at the time of invention to accommodate a request for bandwidth or connection throttling as one of the parameters as taught by Hedge. The suggestion/motivation for the accommodation of bandwidth request is that since many sites rely on the user having a high bandwidth when streaming media to the user, bandwidth allocation is needed in a firewall to optimize content delivery [US 6925495 B2, Col 1, Ln 47-50]. Hedge is an analogous art because Hedge solves the problem of optimizing content delivery over a network by requesting and accommodating bandwidth allocation.

1. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg [US 2003/0188001 A1], and further in view of Keane [US 2003/0131263 A1].

Regarding claim 9, Eisenberg does not teach wherein the parameters comprise turning off or on specific protocol options.

Keane teaches a computer-implemented method, comprising: receiving a call [US 2003/0131263 A1, Fig 8, ltm 800 – Examiner notes that receiving packets to be transported across a network is evidence of receiving a call.] from an application [US 2003/0131263 A1, Pg 6, Par 0066 -- Examiner notes that network interfaces are application interface receiving the packets.], the call having parameters for a connection to an endpoint that the application desires to establish [US 2003/0131263 A1, Fig 6,7], whereby the application explicitly communicates a request to establish the connection and making a call to a firewall to establish the connection in accordance with the parameters [US 2003/0131263 A1, Pg 7, Par 0081], wherein the parameters comprise turning off or on specific protocol options [US 2003/0131263 A1, Pg 7, Par 0084].

It would have been obvious to one of ordinary skill in the art at the time of invention to accommodate the specific protocol options as taught by Keane. The suggestion/motivation for the accommodation of specific protocol options is to provide information to the firewall for evaluation of a packet whose specific protocol options may be set [US 2003/0131263 A1, Pg 7, Par 0084]. Keane is an analogous art because Keane is in the same field of transmitting packet content across a network using firewall modules.

2. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisenberg [US 2003/0188001 A1], and further in view of Chen [US 7000006 B1].

Regarding claim 16, Eisenberg does not teach wherein the firewall comprises an edge firewall, and further comprising an agent to communicate information to the edge firewall about the connection.

Chen teaches a computer-implemented method, comprising: receiving a call from an application via an application programming interface and making a call to a firewall to establish the connection [US 7000006 B1, Col 9, Ln 21-29], wherein the firewall comprises an edge firewall, and further comprising an agent to communicate information to the edge firewall about the connection [US 7000006 B1, Col 9, Ln 21-29 -- Examiner notes that intercepting communications to a corresponding secure domain is evidence of an application agent providing such functions.].

It would have been obvious to one of ordinary skill in the art at the time of invention to implement edge firewalls as taught by Chen. The suggestion/motivation for combining Chen would have been to reduce the amount of processing time involved in configuring networks for policy managements [US 7000006 B1, Col 1, Ln 40-47] because the network can be abstracted into domains thus having reduced topology and internal connectivity [US 7000006 B1, Col 1, Ln 51-59] which is made possible by implementing edge firewalls. Chen is an analogous art because Chen solves the problem of being able to reduce the amount of processing time involved in configuring networks for policy managements.

Regarding claim 17, Eisenberg in view of Chen teaches the method of claim 1, wherein the firewall comprises an edge firewall [US 7000006 B1, Col 9, Ln 21-29], and further comprising an authenticated protocol [US 7000006 B1, Col 2, Ln 65-67 -- Examiner notes authentication modules is evidence of authenticated protocols.] to communicate information to the edge firewall about the connection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN JERIKO P. SAN JUAN whose telephone number is (571)272-7875. The examiner can normally be reached on M-F 8:30a - 6:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

/MJSJ/
Martin Jeriko San Juan
Examiner, Art Unit 2432

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2432